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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,305	08/27/2001	Tiziano Dall'Occo	US 18024	3720

7590

04/15/2002

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EXAMINER

LEE, RIP A

ART UNIT

PAPER NUMBER

1713

6

DATE MAILED: 04/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) a polymerization process, drawn to Claims 1-22 and 32.

Group II, claim(s) 23-24 and 31, drawn to a ligand compound.

Group III, claim(s) 25 and 30, drawn to a metallocene compound.

Group IV, claim(s) 33-35, drawn to an ethylene copolymer.

2. The inventions listed as Groups I-IV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

(i) Group I and III do not share the technical feature, the ligand compound, with Group II because the ligand compound of Group I is neutral while the ligand derived from the ligand compound is carrying a negative charge. Group II and IV does not share a common technical feature. Thus, unity of invention is lacking and restriction of Group II from the rest of the Groups is appropriate.

(ii) Groups III and IV are directed to a metallocene compound and an ethylene polymer respective, they do not share a common technical feature. Groups III and I does not share a common technical feature because the metallocene compound of group III

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reacts with component (B) of Claim 1 and loses its identity in the metallocene catalyst composition in the process of Group I. Thus, unity of invention is lacking and restriction of Group III from the rest of the Groups is appropriate.

(iii) Groups I and IV seems to share the same technical feature, the ethylene copolymer, however, the ethylene copolymers of Group IV, comprise the same ethylene copolymers as copolymers of the prior art, e.g. Jones et al. (WO 98/22486). As the recited ethylene copolymer does not make a contribution over the prior art, i.e. the special technical feature(s) is anticipated by or obvious in view of the prior art, unity of invention is lacking and restriction is appropriate.

3. A telephone call was made to Joanne Patterson on January 27, 2002 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Caixia Lu whose telephone number is (703) 306-3434.

The examiner can normally be reached on 9:00 a.m. to 3:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (703) 308-2450. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1193.

Caixia Lu, Ph.D.
Primary Examiner
Art Unit 1713

CL
April 10, 2003